

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

This matter is before the Court on Plaintiff's failure to comply with the Court's Order (ECF No. 3).

Plaintiff filed a Civil Rights Complaint (ECF No. 1) on October 11, 2017. However, Plaintiff failed to pay the \$400 filing fee or file an application to proceed *in forma pauperis* (“IFP”). On October 23, 2017, the Court ordered Plaintiff to either pay the filing fee or submit an application to proceed IFP within 30 days of the order. *See Order* (ECF No. 3). The Court warned Plaintiff that failure to comply would result in a recommendation that this action be dismissed. To date, Plaintiff has failed to comply. Accordingly,

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IT IS HEREBY RECOMMENDED that this action be **dismissed** without prejudice for failure to comply with this Court's order.

DATED this 1st day of December, 2017.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).